

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHNATHAN S. MITCHELL,

Plaintiff,

v.

BECKY POST and BELLEFONTAINE
HABILITATION CENTER,

Defendants.

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No. 4:21-cv-30-DDN

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff Johnathan S. Mitchell initiated this action on or about January 6, 2021 by filing a complaint using this Court's employment discrimination complaint form. He sought and was granted leave to proceed *in forma pauperis*, and the Court reviewed the complaint pursuant to 28 U.S.C. § 1915(e)(2). The Court determined that while it appeared plaintiff sought to redress employment discrimination, he neither described the claims he wished to bring before the Court, nor alleged facts that would allow the Court to discern his actual claims. On February 19, 2021, the Court entered an order directing plaintiff to file an amended complaint. In that order, the Court clearly described the deficiencies of the complaint, gave plaintiff clear instructions about how to prepare the amended complaint, and cautioned plaintiff that his case could be dismissed if he failed to timely comply. Plaintiff's response was due to the Court on March 12, 2021.

To date, plaintiff has neither filed an amended complaint, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, cautioned that his case would be dismissed if he failed to timely comply, and given significant additional time to comply. Therefore, this action will be dismissed at this time, without prejudice, due to plaintiff's failure to prosecute

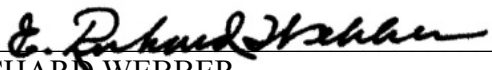
his case and his failure to comply with this Court's February 19, 2021 order. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal without prejudice where *pro se* plaintiff failed to file an amended complaint despite being cautioned that dismissal could result from failure to do so).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 1st day of April, 2021.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE